IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 68 OF 1987

Ahmedshah Abdul Salimshah Kazi
(since deceased through his LRs.)
1. Sufia Ahmedshah Kazi & ors. ... Appellants.
Versus.
Abdulsattar Manersha Kazi & ors. ... Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 19th January, 2005.

P.C.:

1. Office noting shows that the Court service notice is served on the Appellants. Office noting also shows that the Respondent No.1 has expired and Civil Application taken out to bring on record his legal representatives has been dismissed vide order dated 29th July 1994 passed by the Additional Registrar. The Respondent No.1 is the original Plaintiff in whose favour decree has been passed by the trial Court. As the Second Appeal is already dismissed as against the Respondent No.1, the Appeal does not survive. There is a letter dated 1st March 2004 sent on behalf of the Appellants which is placed on record, in which they have stated that they do not desire to prosecute the Appeal. It is to be noted here that only one of the Appellants has signed the said letter.

2. In view of this position, the Second Appeal is dismissed with no order as to costs.

Judge.